

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO.
	§	
\$23,144.00, U.S. CURRENCY,	§	
\$7,000.00, FUNDS FROM	§	
WASHINGTON MUTUAL	§	
BANK CHECKING ACCOUNT,	§	
\$6,500.00, U.S. CURRENCY,	§	
\$3,087.00, FUNDS FROM WELLS	§	
FARGO BANK WEST	§	
CHECKING ACCOUNT,	§	
\$2,000.00, FUNDS FROM SIX	§	
RIVERS BANK CHECKING	§	
ACCOUNT,	§	
\$2,000.00, FUNDS FROM CHARLES	§	
SCHWAB BANK CHECKING	§	
ACCOUNT,	§	
\$1,012.00, FUNDS FROM	§	
CITIZENS BANK OF LAS	§	
CRUCES CHECKING	§	
ACCOUNT,	§	
\$1,000.00, FUNDS FROM BANK	§	
OF AMERICA CHECKING	§	
ACCOUNT,	§	
\$1,000.00, FUNDS FROM	§	
BANK OF AMERICA	§	
CHECKING ACCOUNT,	§	
Defendants.	§	

VERIFIED COMPLAINT FOR FORFEITURE IN REM

United States of America, Plaintiff, files this action for forfeiture against

\$23,144.00, U.S. currency, \$7,000.00, check funds, \$6,500.00, U.S. currency, \$3,087.00, check funds, \$2,000.00, check funds, \$2,000.00, check funds, \$1,012.00, check funds, \$1,000.00, check funds, and \$1,000.00, check funds (“Defendant Funds”).

Nature of the Action

1. This civil action in rem is being brought to enforce the civil forfeiture statutes of 31 U.S.C. §§ 5317(c)(2) and 5332(c).

2. It is a crime for a person not to report that they are transporting into the United States monetary instruments of more than \$10,000 under 31 U.S.C.A. § 5316(a). Cash is a monetary instrument under 31 U.S.C.A. § 5312 (a)(3). Also, an incomplete personal check signed but with the payee's name omitted is a monetary instrument under 31 U.S.C.A. § 5312 (a)(3)(B) and 31 C.F.R. § 103.11 (u)(1)(iv). Cash and personal checks involved in a violation of 31 U.S.C. §5316 are subject to civil forfeiture under 31 U.S.C. §5317(c)(2).

3. It is a crime to smuggle bulk cash into the United States under 31 U.S.C. §5332(a). Whoever, with the intent to evade a currency reporting requirement, knowingly conceals more than \$10,000 in monetary instruments on their person and transports the monetary instruments into the United States, shall be guilty of a currency smuggling offense under 31 U.S.C. §5332(a). Civil forfeiture is authorized by 31 U.S.C. §5332(c) for any property involved in this violation and

any property traceable to this violation.

Jurisdiction and Venue

4. This Court has jurisdiction under 28 U.S.C. §1355.

5. Venue is proper in this Court under 28 U.S.C. §§ 1355, 1395(a) and 1395(b).

Defendants in Rem

6. Defendant Funds are:

- a. \$23,144.00, U.S. currency,
- b. \$7,000.00, funds from the Washington Mutual Bank checking
Carlo Fidencio Arguelles,
- c. \$6,500.00, in U.S. currency,
- d. \$3,087.00, funds from the Wells Fargo Bank West checking
account of Rick B. Bevan,
- e. \$2,000.00, funds from the Six Rivers Bank checking account of
Patrick and Denise Callahan,
- f. \$2,000.00, funds from the Charles Schwab Bank checking
account of Thomas M. Voyt Revocable Living Trust, Mr.
Thomas M. Voyt TTEE,
- g. \$1,012.00, funds from the Citizens Bank of Las Cruces
checking account of Bruce Ferguson,

- h. \$1,000.00, funds from the Bank of America checking account of Rickey A. Visoria,
- i. \$1,000.00, funds from the Bank of America checking account of Jorge I. Varela.

Defendant Funds were seized on land in Houston, Texas, and are in the Southern District of Texas.

Facts

False Customs Declaration

7. On April 20, 2006, Yue Ling Huang Wong and Hong Jing Huang, brother and sister, arrived into the United States at George Bush Intercontinental Airport in Houston, Texas, aboard a Continental Airlines flight from Belize City, Belize. Both Ms. Wong and Mr. Huang indicated on their Customs and Border Protection Declaration Forms, CBP Form 6059B, that they were not carrying currency or monetary instruments over \$10,000 dollars.

8. Ms. Wong told a U.S. Customs and Border Protection Officer (Customs Officer") that she had less than \$10,000.00 U.S. dollars. Mr. Huang told a Customs Officer that he had \$7,000.00 or \$8,000.00, U.S. dollars.

Discovery of Undeclared Funds on Ms. Wong

9. A Customs Officer conducted an examination of Ms. Wong and found that she was carrying concealed on her person more than \$10,000. She was

carrying approximately \$23,144 in cash and \$17,099 in checks. The checks were incomplete personal checks signed but with the payee's name omitted from various financial institutions and were negotiable instruments. The checks were written for \$7,000, \$3,087, \$2,000, \$2,000, \$1,012, \$1,000, and \$1,000.

Discovery of Mr. Huang's Undeclared Money

10. In an inspection of Mr. Huang's luggage, Customs Officers found \$6,716.00 in the pockets of a pair of denim jeans. Also, both Ms. Wong and Mr. Huang said that approximately \$7,000.00 U.S. dollars in Ms. Wong's possession belonged to Mr. Huang.

Seizure of the Check Funds

11. The value of the seven negotiable checks seized from Ms. Wong was \$17,099.00. Each check was completely filled out except for the section, "Pay to the order of." The checks were from the following banking institutions and account holders:

- Bank of America Check No: 631, in the amount of \$1,000.00 U.S. dollars, from the account of Rickey A. Visoria, Duplex Account, written on April 18, 2006.
- Bank of America Check No: 1511, in the amount of \$1,000.00 U.S. dollars, from the account of Jorge I. Varela, written on April 18, 2006.
- Citizens Bank of Las Cruces Check No: 3293, in the amount of

\$1,012.00 U.S. dollars, from the account of Bruce Ferguson, written on April 18, 2006.

- Charles Schwab Bank, N.A. Check No: 1018, in the amount of \$2,000.00 U.S. dollars, from the account of Thomas M. Voyt Revocable Living Trust, Mr. Thomas M. Voyt TTEE, written on April 17, 2006.
- Six Rivers Bank Check No: 5188, in the amount of \$2,000.00 U.S. dollars, from the account of Patrick and Denise Callahan, written on April 18, 2006.
- Wells Fargo Bank West, N.A. Check No: 129, in the amount of \$3,087.00 U.S. dollars, from the account of Rick B. Bevan, written on April 19, 2006.
- Washington Mutual Bank Check No: 249, in the amount of \$7,000.00 U.S. dollars, from the account of Carlo Fidencio Arguelles, written on April 19, 2006.

12. Seizure warrants were issued for the funds of each check, and those funds were seized by the United States Immigration and Customs Enforcement.

Claim for Relief

13. The Defendant Funds constitute "monetary instruments" pursuant to 31 C.F.R. § 103.11. The Defendant Funds exceed \$10,000.00 and were attempted to

be transported from a place outside the United States to a place within the United States, which required a report to be filed pursuant to 31 U.S.C. § 5316(a)(1)(A). Reports containing a material omission or misstatement were filed. Accordingly, the Defendant Funds are subject to forfeiture to the United States of America under 31 U.S.C. § 5317(c)(2).

14. Also, Defendant Funds were knowingly concealed with the intent to evade a currency reporting requirement on Ms. Wong and Mr. Huang, who were transporting Defendant Funds into the United States. Accordingly, the Defendant Funds are subject to forfeiture to the United States of America under 31 U.S.C. §5332(c).

15. Plaintiff requests the following relief:

- a. Arrest Warrants and summons, citing all persons having an interest in the defendant property to appear on the return day of process by filing a claim and answer pursuant to Rule C(6), Supplemental Rules for Certain Admiralty and Maritime Claims, or as ordered by this Court,
- b. A judgment of forfeiture; and
- c. Costs and other relief that this Court deems proper.

Dated: June 16, 2006.


Respectfully submitted,

Donald J. DeGabrielle
United States Attorney
By: /s/ Albert Ratliff
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VERIFICATION

I, Samantha Alonso, Special Agent, United States Immigration and Customs Enforcement, declare under penalty of perjury as provided by 28 U.S.C. §1746 that I have read this Verified Complaint for Forfeiture in Rem, and that the facts stated in the complaint are based upon my personal knowledge or from information obtained in the course of my investigation and are true and correct to the best of my knowledge and belief.

Executed on June 16, 2006.


Samantha Alonso, Special Agent,
U. S. Immigration and Customs Enforcement